IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 17TH OCTOBER 2007 / 25TH ASWINA 1929

WP(C).No. 13916 of 2007(F)

PETITIONER:

M. NAZAR,
HOUSE NO.14-PSA HOUSE, KAMAL NAGAR,
KAMALESWARAM, MANACAUD P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.THOMAS ABRAHAM

RESPONDENTS:
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1. **STATE OF KERALA,**
   REPRESENTED BY IT'S SECRETARY, LOCAL SELF GOVT.
   DEPARTMENT, GOVERNMENT OF KERALA, SECRETARIAT,
   TRIVANDRUM.

2. **CORPORATION OF THIRUVANANTHAPURAM**
   REPRESENTED BY IT'S SECRETARY, CORPORATION OFFICE,
   THIRUVANANTHAPURAM.

3. **S.M. NAVAS,**
   ASWATHY T.C.NO.9/141, KOWDIAR,THIRUVANANTHAPURAM.

4. **S.M. NAJEEB,**
   ASWATHY, T.C.NO.9/141, KOWDIAR,THIRUVANANTHAPURAM.

BY ADV. SMT.ELIZABETH MATHAI IDICULLA
SRI.N.NANDAKUMARA MENON, SC, TVM CORPN.
BY SR.GOVERNMENT PLEADER SRI. K.J.MOHAMED ANSAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE RECEIPT EVIDENCING THE PAYMENT OF THE LICENCE FEE FOR THE YEAR 2004-2005.

EXT.P1(A): COPY OF THE RECEIPT EVIDENCING THE PAYMENT OF THE LICENCE FEE FOR THE YEAR 2005-2006.

EXT.P1(B): COPY OF THE RECEIPT EVIDENCING THE PAYMENT OF THE LICENCE FEE FOR THE YEAR 2006-2007.

EXT.P2: COPY OF THE PROPERTY TAX ASSESSMENT INDEX SHEET DTD. 13/07/2004.

EXT.P3: COPY OF THE PROPERTY TAX RECEIPT DTD. 20/07/2004 REMITTED in the NAME OF THE 3RD RESPONDENT BY THE 4TH RESPONDENT.

EXT.P4: COPY OF THE OWNERSHIP CERTIFICATE DTD. 29/07/2004 ISSUED BY THE 2ND RESPONDENT.

EXT.P5: COPY OF THE BSNL TELEPHONE BILL DTD. 17/10/2005 IN THE NAME OF THE PETITIONER.

EXT.P6: COPY OF THE RECEIPT DTD. 30/11/2003 ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER FOR THE RENT PAID FOR NOVEMBER 2003.

EXT.P6(A): COPY OF THE RECEIPT DTD. 1/09/2006 ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER FOR THE RENT PAID FOR AUGUST 2006.

EXT.P7: COPY OF THE O.S.NO.1495/2006 DTD. 16/10/2006 FILED BY THE PETITIONER BEFORE THE 2ND ADDITIONAL MUNSIFF'S COURT, THIRUVANANTHAPURAM.

EXT.P8: COPY OF THE INJUNCTION ORDER DTD. 17/10/2006 IN I.A.NO.8580/2006 IN O.S.NO.1495/2006.

EXT.P9: COPY OF THE COUNTER AFFIDAVIT DTD. 3/11/2006 FILED BY THE 3RD RESPONDENT IN EXHIBIT P7 SUIT.

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EXT.P10: COPY OF THE WRITTEN STATEMENT FILED BY THE PETITIONER DURING THE HEARING BY THE 2ND RESPONDENT.

EXT.P11: COPY OF THE ORDER DTD. 24/04/2007 ISSUED BY THE 2ND RESPONDENT.

EXT.P12: COPY OF THE PETITION DTD. 25/04/2007 SUBMITTED BY THE PETITIONER BEFORE THE 1ST AND 2ND RESPONDENTS.

3RD RESPONDENT'S EXHIBITS:

EXT.R3(A): COPY OF THE LEAVE AND LICENCE AGREEMENT DTD. 23/10/2003.

EXT.R3(B): COPY OF DOCUMENTS RECEIVED FROM THE 2ND RESPONDENT AS PER APPLICATION DTD. 29/11/2006.

EXT.R3(C): COPY OF DOCUMENTS RECEIVED FROM THE 2ND RESPONDENT AS PER APPLICATION DTD. 1/12/2006.

EXT.R3(D): COPY OF DOCUMENTS RECEIVED FROM THE 2ND RESPONDENT AS PER APPLICATION DTD. 31/01/2007.

EXT.R3(E): COPY OF THE PETITION DTD. 13/11/2006 FROM THE 3RD RESPONDENT TO THE 2ND RESPONDENT.

/TRUE COPY/

P.A.TO JUDGE

KSS

PIUS C. KURIAKOSE, J.

W.P.(C) No. 13916 OF 2007

Dated this the 17th day of October, 2007

JUDGMENT

Under challenge in this Writ Petition under Article 226 is Ext.P11 order directing demolition of the petitioner's building. Obviously, Ext.P11 is appealable before the Tribunal for Local Self Government Institutions. I dispose of the Writ Petition relegating the petitioner to that remedy. However, it is directed that the interim order dt.27.04.07 as modified by the order dt.04.05.07 will continue for a period of three months.

PIUS C. KURIAKOSE, JUDGE

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